



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

United States Attorney's Office

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March 8, 2011

Via ECF

The Honorable Joseph F. Bianco
United States District Court Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: United States v. Michael Romano, et al.
CR 09 168 (S-2) (JFB)

Dear Judge Bianco:

The government writes this letter to respond to Mr. Sercarz's April 4, 2011 letter (ECF Docket # 231) seeking additional discovery about the dates on which Nita Williams' coins were sold, through the use of a third party.

The government has previously provided defense counsel with invoices from UA America, a third-party coin company, which reflect that UA America was in possession of Nita Williams' coins in March 2008. KM026-KM033. On Thursday, April 7, 2011, the government provided additional discovery in the form of records of Kevin McNerney. Bates range KM043-KM046. These records reflect payments to Nita Williams from UA America, the company that sold Ms. Williams' coins. These payments were not made contemporaneously with the sale of Ms. Williams' coins, but were funds held on account for Ms. Williams from the prior sale of Ms. Williams' coins. All of Ms. Williams' coins were sold by UA America on or before June of 2009. The government has no additional documents regarding the sale of Nita Williams' coins.

For the reasons stated in the government's December 23, 2010 letter, the court should deny Defendants' motion seeking preclusion of Ms. Williams' coins or, alternatively, for an adverse inference instruction at trial.

Respectfully submitted,

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cc. Clerk of Court (JFB)
Counsel of Record (by Electronic Mail)